

1 PENELOPE A. PREVOLOS (CA SBN 87607)
(PPrevolos@mofo.com)
2 ANDREW D. MUHLBACH (CA SBN 175694)
(AMuhlbach@mofo.com)
3 ALEXEI KLESTOFF (CA SBN 224016)
(AKlestoff@mofo.com)
4

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5 MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482
6 Telephone: 415.268.7000
Facsimile: 415.268.7522
7

8 Attorneys for Defendant
APPLE INC.
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION
13

14 GIORGIO GOMELSKY,
on behalf of himself and
15 all others similarly situated,

16 Plaintiff,

17 v.

18 APPLE INC.,

19 Defendant.
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Case No. C-08-04969 JF

**STIPULATION AND
[PROPOSED] ORDER**

1 Pursuant to Civil Local Rules 6-2 and 7-12, the parties, by and through their respective
2 counsel, hereby stipulate as follows:

3 WHEREAS, a Case Management Conference is scheduled for March 13, 2009;

4 WHEREAS, pursuant to a stipulation entered on February 2, 2009, the parties agreed that
5 the Plaintiff would file an amended complaint by March 2, 2009 and that Defendant would advise
6 the Court within 30 days of the filing of an amended complaint whether it intended to answer or
7 move to dismiss the amended complaint;

8 WHEREAS, the parties have agreed to extend the deadline for Plaintiff to file an amended
9 complaint to April 2, 2009;

10 WHEREAS, the parties have further agreed that Defendant's time to respond to an
11 amended complaint will be extended to June 4, 2009;

12 WHEREAS, the parties believe that the Case Management Conference should be
13 continued until any disputes on the pleadings are resolved;

14 WHEREAS, the continuance will not have an effect on the schedule for the case;

15 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, SUBJECT TO
16 THE APPROVAL OF THE COURT:

- 17 1. The Plaintiff will file an amended complaint by April 2, 2009.
18 2. Defendant will respond to the amended complaint by June 4, 2009.
19 3. The Case Management Conference will be continued to June 19, 2009.
20 4. The parties shall file a Joint Case Management Statement on or before June 9, 2009.

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22 Dated: February 25, 2009

MORRISON & FOERSTER LLP

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24 By: /s/ Penelope A. Preovolos

Penelope A. Preovolos

25 Attorneys for Defendant
26 APPLE INC.
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1 Dated: February 25, 2009

CALDWELL LESLIE & PROCTOR, PC

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3 By: /s/ Robyn C. Crowther


4 Robyn C. Crowther

5 Attorneys for Plaintiff
6 GIORGIO GOMELSKY

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8 **PROPOSED ORDER**

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10 PURSUANT TO STIPULATION, IT IS SO ORDERED.

11 Dated: February 26, 2009

12 
13 The Honorable Jeremy Fogel
14 United States District Judge